

### **REMARKS**

Applicants thank the Examiner for total consideration given the present application. Claims 1-18 remains pending. Claims 1 and 7 have been amended and new claims 19-21 have been added through this Reply. Claims 1, 7, and 13 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

#### **35 U.S.C. § 102 REJECTION – MURASHITA**

Claims 1-4, 6-10, 12-16, and 18 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Murashita (USPN 2002/0186412 A1) (hereinafter “Murashita”). Applicants respectfully traverse this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02*. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Murashita fails to teach or suggest each and every claimed element. For example, independent claim 1 recites, “A method for generating an album based on album data *...estimating a photography location based on the travel route data and the time data; obtaining related data, related to the estimated photography location, from a related data storage means that stores a plurality of related data sets, wherein the related data is obtained by third party images photographed by a third party user correlated with travel route data representing the time and position ....*” *Emphasis added.*

The Office Action alleges that Murashita teaches a process of estimating the photographic location in paragraph [0225]. Applicant disagrees with the Office Action’s characterization of Murashita. Murashita merely teaches a traveling route designating program 81C, which determines and displays a traveling route based on the information labeled to the image data about when and where the image was obtained. In addition, the embodiment that the

Office Action relies on includes traveling route designating program 81C which is a pre-designated map of the travel route (paragraph [0219]). Therefore, the image location determination as taught by Murashita cannot be characterized as an “*estimating a photography location*” as recited in claim 1.

In addition, Murashita fails to teach or suggest that “*wherein the related data is obtained by third party images photographed by a third party user correlated with travel route data representing the time and position,*” as recited in claim 1. In the instant application, the method includes obtaining a related data via a related storage data that stores a plurality of related data sets. The related data obtained by third party images photographed by a third party user is correlated with travel route data representing the time and position.

Similarly claims 7 and 13 recites, a method and a computer-readable storage medium having a computer program stored therein, respectively, comprising similar subject matter as claimed in claim 1. Therefore, for at least these reasons, independent claims 1, 7, and 13 are distinguishable from Murashita. Claims 2-4, 6, 8-10, 12, 14-16, and 18 depend from claims 1, 7, and 13, directly or independently. Therefore, for at least the reasons stated with respect to claim 1, 7, and 13, claims 2-4, 6, 8-10, 12, 14-16, and 18 are also distinguishable from Murashita.

Accordingly, Applicant respectfully requests that the rejection of claims 1-4, 6-10, 12-16, and 18, based on Murashita, be withdrawn.

35 U.S.C. § 103 REJECTION – MURASHITA IN VIEW OF KING ET AL.

Claims 5, 11, and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Murashita in view of King et al (USPN 2003/0078078) (hereinafter “King”).

As set forth, Murashita fails to teach or suggest “... *estimating a photography location based on the travel route data and the time data; obtaining related data, related to the*

*estimated photography location, from a related data storage means that stores a plurality of related data sets, wherein the related data is obtained by third party images photographed by a third party user correlated with travel route data representing the time and position ....".* In addition, King fails to teach or suggest the above limitation to supplement Murashita's missing feature.

As set forth on page 10 of the Office Action, the Examiner relies on King as allegedly pertaining to incremental features of the above listed dependent claims. The Examiner's reliance on King, however, fails to make up for the deficiencies of Murashita discussed above with respect to Claim 1. Therefore, the asserted combination of Murashita and King (assuming these references may be combined, which applicant does not admit) fails to establish prima facie obviousness of any pending claims.

#### NEW CLAIMS

Claims 19-21 have been added through this reply. Claims 19-21 depend from claims 1, 1, 7, and 13, respectively. All new claims are believed to be distinguishable over the cited references, individually or in any combination. Accordingly, Applicant respectfully requests that claims 19-21 be allowed.

#### Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact D. Richard Anderson Reg. No. 40,439 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Application No. 10/669,270  
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Respectfully submitted

By 

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